

Remarks

Claims 1-19 are pending in the present application. Claims 3-14 and 16-19 are currently amended as part of this Amendment merely to change the dependency of these claims.

Claim 3 is objected to because of an informality. Claims 4-19 are objected to under 37 C.F.R. §1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claim. Claims 1-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WO2004/044402 to Tomaselli (hereinafter *Tomaselli*) in view of U.S. Patent Application Publication No. 2003/0150434 to Leedham et al. (hereinafter *Leedham et al.*).

Objections to Claim 3 and Claims 4-19

With respect to the objection to claim 3 because of an informality and the objection to claims 4-19 as being in improper form, the Applicant has amended claims 3-14 and 16-19 to change the dependency of these claims. The Applicant respectfully submits that these amendments overcome the objections to claims 3-19.

Rejection of Claims 1-3 under §103(a)

With respect to the rejection of claims 1-3 under §103(a) as being unpatentable over *Tomaselli* in view of *Leedham et al.*, *Tomaselli* cannot be appropriately classified as prior art under 35 U.S.C. §102 and thus cannot be used in a rejection under 35 U.S.C. §103.

First, with respect to §102(b), the present application claims priority to PCT No. PCT/FR04/03223 filed on December 15, 2004. This date is less than one year from the publication date of *Tomaselli* (i.e., May 27, 2004). Thus, §102(b) is inapplicable.

With respect to §102(a), PCT No. PCT/FR04/03223, to which the present application claims priority, claims priority to French Application FR0315382 filed on December 24, 2003. December 24, 2003 predates the publication date of *Tomaselli* (i.e., May 27, 2004). Thus, the present application, through its French priority date, antedates the publication date of *Tomaselli*. Accordingly, *Tomaselli* is not §102(a) art. If necessary to perfect this priority,

the Applicant is prepared to obtain and submit a certified copy of FR0315382 and a copy of an English language translation.

In view of the foregoing, it is respectfully submitted that claims 1-19, are both novel and non-obvious in light of the cited prior art such that these claims are in condition for allowance, which allowance is respectfully requested. This Amendment is considered timely filed with a petition for a three-month extension of time. The Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys PLLC for any fees or credit the account for any overpayment for this matter.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

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